

1 Jeff D. Friedman (Cal. Bar No. 173886)
 HAGENS BERMAN SOBOL SHAPIRO LLP
 2 715 Hearst Avenue, Suite 202
 Berkeley, CA 94710
 3 Telephone: (510) 725-3000
 Facsimile: (510) 725-3001
 4 jefff@hbsslaw.com

5 Steve W. Berman (pro hac vice)
 Thomas E. Loeser (Cal. Bar No. 202724)
 6 Ashley Bede (pro hac vice)
 HAGENS BERMAN SOBOL SHAPIRO LLP
 7 1918 Eighth Avenue, Suite 3300
 Seattle, WA 98101
 8 Telephone: (206) 623-7292
 Facsimile: (206) 623-0594
 9 steve@hbsslaw.com
 toml@hbsslaw.com
 10 ashleyb@hbsslaw.com

11 Terrence A. Beard (Cal. Bar No. 98013)
 LAW OFFICES OF TERRENCE A. BEARD
 12 525 Marina Blvd.
 Pittsburg, CA 94565
 13 Telephone: (925) 778-1060
 Facsimile: (925) 473-9098
 14 tbeard1053@aol.com

15 Counsel for Plaintiffs and Proposed Class

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 CATHERINE PAPASAN, NELSON GOEHLE,
 ANDREW YOUNG, JIMMY BYERS,
 20 CHRISTOPHER JOHNSTON, and all persons
 similarly situated,

21 Plaintiffs,

22 v.

23 DOMETIC CORPORATION, a Delaware
 24 Corporation,

25 Defendant.

No. 4:16-cv-02117-HSG

PLAINTIFFS' MOTION FOR LEAVE
 TO FILE RESPONSE TO
 DEFENDANT'S STATEMENT OF
 RECENT DECISION

1 Pursuant to Civil Local Rule 7-3(d), Plaintiffs respectfully move the Court for an Order
2 granting leave to file a two-page response to Defendant Dometic Corporation's ("Dometic")
3 Statement of Recent Decision, containing a citation to and providing a copy of a summary judgment
4 dismissal order in Varner et al. v. Dometic Corp., Civil Action No. 16-22482-Civ-Scola (S.D. Fla.)
5 (the "Varner Order"). Plaintiffs contend the Varner Order—to the extent it is relevant at all to
6 Dometic's pending Motion to Dismiss given that it is a Summary Judgment Order—supports denial
7 of Defendant's pending motion to dismiss. In support of this Motion, Plaintiffs state as follows:

8 1. On July 8, 2016, Plaintiffs filed their First Amended Class Action Complaint
9 ("Complaint") (Dkt. #38). On August 19, 2016, Dometic filed its Motion to Dismiss. After briefing
10 on the Motion to Dismiss, the parties appeared before the Court on November 17, 2016, for oral
11 argument. The Motion to Dismiss is currently under consideration by the Court.

12 2. On July 27, 2017, Judge Robert N. Scola, Jr. of the United States District
13 Court for the Southern District of Florida entered an Order on the Defendant's Motion for Summary
14 Judgment and the Plaintiffs' Motion for Class Certification ("Order") dismissing in its entirety the
15 Varner Class Action against Dometic under Rule 56.

16 3. On August 2, 2017, the Court granted Defendant leave to file its Statement of
17 Recent Decision, citing to and attaching a copy of the Varner Order.

18 4. Given that the Varner Order concerns the same allegedly defective gas
19 absorption refrigerators as this case, Plaintiffs seek leave to file a two-page response to Defendant's
20 Statement of Recent Decision, in order to provide the Court with notable distinctions between this
21 action and the Varner action beyond the procedural distinction that the Varner Order was at the Rule
22 56 stage, following denial of a Rule 12 motion and discovery. Attached hereto as Exhibit A is
23 Plaintiffs' proposed two-page response.

1 For the foregoing reasons, Plaintiffs respectfully request that the Court grant leave to file
2 Plaintiffs' Response to Defendant's Statement of Recent Decision, attached hereto as Exhibit A, and
3 grant such other relief as it deems appropriate.

4 DATED: August 4, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

6 By /s/ Steve W. Berman
7 Steve W. Berman (pro hac vice)
8 Thomas E. Loeser (CSBA No. 202724)
9 Ashley A. Bede (pro hac vice)
10 HAGENS BERMAN SOBOL SHAPIRO LLP
11 1918 Eighth Avenue, Suite 3300
12 Seattle, WA 98101
13 Telephone: (206) 623-7292
14 Facsimile: (206) 623-0594
15 steve@hbsslaw.com
16 toml@hbsslaw.com
17 ashleyb@hbsslaw.com

18 Jeff D. Friedman (CSBA No. 173886)
19 HAGENS BERMAN SOBOL SHAPIRO LLP
20 715 Hearst Avenue, Suite 202
21 Berkeley, CA 94710
22 Telephone: (510) 725-3000
23 Facsimile: (510) 725-3001
24 jefff@hbsslaw.com

25 Terrence A. Beard (CSBA No. 98013)
26 LAW OFFICES OF TERRENCE A. BEARD
27 525 Marina Blvd.
28 Pittsburg, CA 94565
Telephone: (925) 778-1060
Facsimile: (925) 473-9098
TBeard1053@aol.com

Attorneys for Plaintiffs and the Proposed Class

22 DATED: 8/4/2017

